



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

August 31, 2018

(Sent via Certified Mail)

CERTIFIED MAIL

NO. 7017 2680 0000 6195 9159

Mr. Irvin Villaran-Martinez

SUBJECT: PROPOSED DISCIPLINARY ACTION

Dear Mr. Villaran-Martinez:

1. EXAMINATION DISHONEST CONDUCT

During the September 16, 2017 Drinking Water Distribution Operator Examination held in Fresno, California, you violated terms of the examination by possessing a cell phone inside the examination room (see **Attachment 1 – Signed Instruction Page of Exam**).

As a result of your dishonest conduct, in accordance with the terms of the drinking water distribution operator examination, your examination was recorded as "No Pass," and you are disqualified from taking the next scheduled drinking water distribution operator examination (see **Attachment 2 – Drinking Water Distribution Operator Examination Notification**).

2. STATUTORY AUTHORITY AND LIABILITY

Health and Safety Code, division 104, part 1, chapter 4, article 3, section 106877, subdivision (b) states, in relevant part:

"The state board may suspend, revoke, or refuse to grant or renew any water distribution system operator certificate to operate a water distribution system or may place on probation or reprimand the certificate holder upon any reasonable grounds, including, but not limited to, any of the following:

(5) *Engaging in dishonest conduct during an examination for a water distribution operator certificate.*

Subdivision (c) provides, in relevant part: "prior to suspension or revocation of a valid operator certificate, the state board shall provide the certificate holder with an opportunity for a hearing before the state board, in accordance with rules adopted pursuant to section 185 of the Water Code."

Office of Enforcement | 801 K Street, Suite 2300 | Sacramento, CA 95814 | 916.341.5272

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

3. ALLEGATION

The Office of Enforcement (OE) has determined you violated Health and Safety Code, division 104, part 1, chapter 4, article 3, section 106877, subdivision (b), by engaging in dishonest conduct during the September 16, 2017 Drinking Water Distribution Operator Examination held in Fresno, California.

4. PROPOSED DISCIPLINARY ACTION

OE completed its investigation in consideration of the above facts and evidence and proposes the following appropriate disciplinary action:

- 1) **SUSPENSION OF YOUR CURRENT OPERATOR CERTIFICATE**
(Grade D-1, No. 47160) for thirty (30) days with the following conditions:
 1. Within 45 days of the receipt of this proposed disciplinary action, you must surrender your current Grade D-1 water distribution operator certificate to the Drinking Water Operator Certification Program (DWOCP) via certified mail;
 2. Upon receipt of your Grade D-1 water distribution operator certificate, DWOCP will then begin your thirty (30) day suspension period; and,
 3. During or after the (30) day suspension period, you may contact DWOCP at (916) 449-5642 to determine the next steps of acquiring your operator certificate.
- 2) **ETHICS TRAINING:** Completion of an American Public Works Association (APWA) ethics class (see the link at <https://www.apwa.net/Store/detail.aspx?id=LM.C254>) or completion of an equivalent ethics training class of not less than 1 hour. The training needs to be taking during your suspension with proof of completion to be submitted to DWOCP. Your certificate will not be returned unless and until you have satisfied the ethics training requirement.
- 3) **TWO-YEAR PROBATION:** After your (30) day suspension when you are re-certified, you will be under a two-year probation, and additional violation(s) of Health and Safety Code division 104, part 1, chapter 4, article 3, section 106877, subdivision (b), could result in penalties and/or revocation of your wastewater operator certificate.
- 4) **EMPLOYER NOTIFICATION:** Since DWOCP and OE staff were unable to verify your current employer, your last known employer (City of Modesto) will be mailed a copy of this letter to inform them of the suspension of your Grade D-1 water distribution operator certificate.

If you disagree with the suspension of this certificate, you have the right to request a hearing before the State Water Board according to the procedures set forth in California Code of Regulations, title 23, division 3, chapter 1.5. To request a hearing, please respond in writing within 45 days of this notice. The letter should include:

1. The name, address, telephone number, and email address (if available) of the requestor;
2. A copy of the proposed disciplinary action letter;
3. A full and complete statement of the reasons why the proposed disciplinary action letter is erroneous, inappropriate, or improper; and,
4. The specific action the requestor seeks from the Executive Director.

August 31, 2018

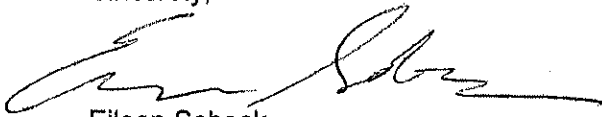
Appeals should be addressed to my attention at:

Ms. Eileen Sobeck
Executive Director
State Water Resources Control Board
1001 I Street, M/S 25B
Sacramento, California 95814

Your appeal must contain all documents above and any evidence you wish to be considered during the review.

If you have any questions, please contact Ms. Angie Noorda by telephone at (916) 341-5445, or by email at angie.noorda@waterboards.ca.gov.

Sincerely,



Eileen Sobeck
Executive Director

Attachment 1: Signed Instruction Page of Exam

Attachment 2: Drinking Water Distribution Operator Examination Notification

cc: See next page.

cc: (via regular U.S. Mail, w/attachments)

Mr. Dave Savidge
Chief Operator
City of Modesto
501 N. Jefferson
Modesto, California 95354

(via email only, w/o attachments)

Mr. Bruce Burton
Assistant Deputy Director
Division of Drinking Water
bruce.burton@waterboards.ca.gov

Mr. Joe Karkoski
Assistant Deputy Director
Division of Financial Assistance
joe.karkoski@waterboards.ca.gov

Ms. Alice Webber
Program Manager/Staff Services Manager I
Office of Operator Certification
alice.webber@waterboards.ca.gov

Ms. Yvonne West, Director
Office of Enforcement
yvonne.west@waterboards.ca.gov

Mr. Nickolaus Knight, Attorney III
Office of Enforcement
nickolaus.knight@waterboards.ca.gov

Dr. Matthew Buffleben
Supervising WRCE
Office of Enforcement
matthew.buffleben@waterboards.ca.gov

Mr. Bryan Elder
Senior WRCE
Office of Enforcement
bryan.elder@waterboards.ca.gov

Printed name: Villamay Martinez Irwin Last four digits of SS# 1196
(Last) (First)

INSTRUCTIONS FOR WATER DISTRIBUTION OPERATOR CERTIFICATION EXAMINATION

1. This is a **"closed book"** examination. No reference materials, scratch paper, or notes are allowed except for what has been provided to you.
2. The only items allowed for this examination is your test booklet, conversion sheet, answer sheet, a non-programmable calculator and **#2 pencils**. All other items must be left at the door or with the proctor.
3. Answers for the multiple-choice problems and math problems must be marked on the answer sheet provided. Clearly mark your answers on the answer sheet with a **#2 pencil only**. Mark the one best answer per question. **If an answer is not marked on the answer sheet, you will not be given credit for it.** When making a correction on the answer sheet, please make sure to **completely erase** the answer you are changing. **No partial credit will be given for math problems.**
4. Multiple choice questions are worth one point each and math problems are worth two points each for a total of 115 points. To achieve a passing score you must score a minimum of **70% of the total points available (115)**.
5. You have three (3) hours to complete the examination. **You may not leave the exam room.** If you need a restroom break, turn in your exam material to the proctor upon leaving the room.
6. All materials must be turned in to the proctor when you complete the exam or at the end of the three (3) hours. **No exam material may be removed from the test room.**
7. **You will not transmit test questions in any form to any other person or entity during or AFTER the examination.**

I have read and understand the instructions above. I agree to abide by them in taking this examination. I understand that if I do not mark an answer on the answer sheet I will not be given credit for a correct answer.

I understand that if I violate any of the instructions above or instructions given by the proctors of this examination that my examination will be invalidated and I will receive a "NO PASS" grade.

Signature

Date



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

October 27, 2017

Irvin Villaran-Martinez
3824 Sierra Street
Riverbank, CA 95367

Re: September 16, 2017, Drinking Water Distribution Operator Examination Notification

Dear Mr. Villaran-Martinez:

The examination proctors for the September 16, 2017 Drinking Water Distribution Operator examination conducted at the Fresno site, notified the Drinking Water Operator Certification Program (DWOCP) that they observed you in possession of a cell phone during the timeframe of the examination. This is a violation of the terms of the examination. In accordance with those terms, your exam has been recorded as a "No Pass."

The DWOCP has referred this matter to the Office of Enforcement for investigation and potential imposition of disciplinary action and/or administrative civil liability against you.

If there are any questions regarding this letter, please contact me at (916) 449-5642.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alice Webber".

Alice Webber
Drinking Water Operator Certification
Staff Services Manager I
Division of Financial Assistance

cc: Annette Caraway, Office of Operator Certification
Bryan Elder, Office of Enforcement

FELICIA MARGUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

PROCTOR'S REPORT

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EXAMINATION MATERIAL

DESCRIPTION	NUMBER SHIPPED	NUMBER RECEIVED	NUMBER USED	NUMBER UNUSED	NUMBER RETURNED
WATER OPERATOR TEST BOOKLET -- GRADE 1	73	73	59	14	73
WATER OPERATOR TEST BOOKLET -- GRADE 2	87	87	75	12	87
WATER OPERATOR TEST BOOKLET -- GRADE 3	34	34	32	2	34
WATER OPERATOR TEST BOOKLET -- GRADE 4	13	13	10	3	13
WATER OPERATOR TEST BOOKLET -- GRADE 5	4	4	4	0	4

OTHER MATERIAL

✓ SITE CANDIDATE ROSTER	✓	QUESTION COMMENT FORM
✓ MASTER ROSTER	✓	EXIT NOTICES
✓ ANSWER SHEETS	✓	TEST BOOKLET INVENTORY SHEET
✓ PROCTOR REPORT	✓	SUPPLIES
✓ SIGNS		

ATTENTION: REPORT ANYTHING OF IMPORTANCE, such as imperfections in printed questions, ambiguity of questions, insufficient material, lack of definite instructions to candidates or to proctors, lack of time allowed for a subject, mistakes made in administering the examination; in short, anything that may aid in a just rating of the papers, in adjusting complaints of competitors and in improving future examinations of this nature. (If additional space is needed, attach a separate sheet.)

@ 11:20 - witnessed from Villan - Martine hand off a cell phone to another person who leaving the Bathroom. - DZ exam

DZ: Jensen, Christopher - possibly coding @ Bonham Meyman early on but stopped when we go

- Sunglens prescription - 2 examiners used prescription sunglasses, I brought the paper prescription.

I HEREBY CERTIFY, THAT THE ABOVE EXAMINATION HAS BEEN ADMINISTERED IN ACCORDANCE WITH THE INSTRUCTIONS WITH THE EXCEPTIONS

SIGNATURE arfed R

DATE

9/18/2017

